S.B. CIVIL WRIT PETITION NO.589/2005

Mangi Lal & Ors. vs. State of Rajasthan & Ors.

Date : 28.1.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Ashvini Swami, for the petitioners.

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Heard learned counsel for the petitioners.

Learned counsel for the petitioners submits that identical writ petition being S.B. Civil Writ Petition No.4924/2004 was decided by this Court on 21.12.2004 and in that writ petition, though the claim of the petitioner for regularisation of encroachment was rejected but at the same time, this Court observed that if the petitioner makes an application for allotment of Kiosk for running his tea stall at suitable place, and if there is a scheme for allotment of place for running a tea stall in the city of Rawatsar, the same may be considered in the light of the order passed by the Judicial Magistrate-I Class dated 13.8.2004 in Misc. Case No.17/2004.

Learned counsel for the petitioners prays that the same direction may be issued to the respondents and in case, the petitioners are found eligible for allotment of any Kiosk in any of the scheme, their case may be considered by the competent authority.

Since the directions are sought for consideration of the petitioners' application for allotment of kiosk, therefore, this writ petition can be disposed of by directing the competent authority to consider the application of the petitioners.

Accordingly, this writ petition is disposed of and it is directed that the petitioners may submit their applications before the competent authority who may consider and decide the applications of the petitioners strictly in accordance with the Scheme and the Rules framed for allotment of kiosk and this order will not be treated as order of priority in favour of the petitioners. While considering the application of the petitioners, the allotting authority may consider all the relevant documents which may be placed by the petitioners before it.

(PRAKASH TATIA), J.

S.Phophaliya